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2 direction, but behind where the young lady
3 was going?

4 A. Yes.

5 Q. What did you observe next?

6 A. She knocked the young lady,
7 woman over.

8 Q. Do you recall where that
9 happened, was that in the Merc section?

10 A. Yes.

11 Q. Was, in other words, is there
12 any designation where it happened other than
13 the Merc section like next to a certain
14 fixture that is always there, something
15 else?

16 A. No.

17 Q. Did you actually see that this
18 woman pushed this old woman down?

19 A. Yes.

20 Q. Could you describe for me how
21 that happened?

22 A. She was running.

23 Q. The young lady?

24 A. She was running, she just pushed
25 people out of her way and apparently the

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2 woman was next to, we have a wall there,
3 like a column, and when she ran, I guess,
4 because the column was there, she just
5 pushed the older woman over.

6 Q. Did she push the old woman from
7 behind, from the side, from the front, any
8 way you can describe it?

9 A. I would say that if you were in
10 football and you were checking somebody she
11 ran this way.

12 Q. Was it running from behind the
13 old woman?

14 A. Facing.

15 Q. It was like a head-on collision?

16 A. Yes.

17 Q. Would you describe it as a
18 collision? I don't want to characterize
19 it.

20 A. Well, --

21 Q. How would you describe the
22 contact?

23 MR. WHITTON: What part of the
24 shoplifter's body came into the woman's
25 body?

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2 Q. Yes.

3 A. Looked like she ran into her.

4 Q. How would you describe the
5 impact contact; light, medium, heavy?

6 A. She hit her pretty hard.

7 Q. Before this woman contacted the
8 old woman you said you saw her contact many
9 other people?

10 A. Yes.

11 Q. Was she knocking people over
12 before the old woman or was she kind of
13 nudging them to the side?

14 A. Pushing them out of the way.

15 Q. Was she running, when there was
16 contact with this old woman?

17 A. Yes.

18 Q. The old woman, did you see was
19 she stopped, was she walking in the opposite
20 direction, how would you describe what she
21 was doing?

22 A. She was walking toward the girl.

23 Q. When the contact occurred, did
24 it cause the old woman to fall in any
25 direction?

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2 A. Yes.

3 Q. Which way did she fall?

4 A. The girl was running this way,
5 the woman was running walking toward her
6 (indicating).

7 Q. In the opposite direction?

8 A. Yes.

9 Q. The woman fell back?

10 A. Fell backward.

11 Q. When she fell, did she fall, did
12 she hit anything or contact anything such
13 has that column, any kind of merchandise?

14 A. No merchandise.

15 Q. Do you know if she actually fell
16 to the ground?

17 A. Yes, she did.

18 Q. Do you know what, did you
19 actually see her fall to the ground, what
20 part of her body fell to the ground?

21 A. She just fell this way on the
22 ground (indicating).

23 Q. Just backward?

24 A. Yes.

25 Q. Then what happened, where was

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2 Daniel and Frankie in relation to the old
3 woman when that contact occurred?

4 A. Maybe eight feet approximately
5 behind.

6 Q. Approximately eight feet behind
7 the shoplifter?

8 A. Yes.

9 Q. At that point, how would you
10 describe their pace; running, walking
11 quickly, something else?

12 A. I would say quickly walking.

13 Q. The contact with the old woman,
14 did it cause the shoplifter to remain there
15 for a minute, did she fall as well?

16 A. She fell because she ran over a
17 bulk stack that we had.

18 MR. WHITTON : Objection. Move
19 to strike as not responsive.

20 Q. After the contact with the
21 woman, what did you observe about the young
22 lady, the alleged shoplifter?

23 A. She fell.

24 Q. She fell over a bulk stack?

25 A. Yes.

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2 Q. What is that?

3 A. Same kind of merchandise in a
4 small area.

5 Q. How far away was this bulk stand
6 away from the old woman?

7 A. Maybe four feet.

8 Q. Did the shoplifter fall forward?

9 A. I couldn't tell you which way
10 see fell.

11 Q. After she fell forward, what
12 happened next?

13 A. Frankie and Daniel picked her
14 up.

15 Q. How many seconds later, was it
16 immediately?

17 A. It was immediate.

18 Q. They picked her up. What
19 happened next?

20 A. They put her inside the loss
21 prevention room.

22 Q. Was that the same office that
23 she was originally?

24 A. Correct.

25 Q. Did they take her back forcibly?

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2 MR. WHITTON: If you know, don't
3 guess.

4 A. Well, she didn't walk freely.

5 Q. Did they bind her at all at that
6 point?

7 A. No.

8 Q. They brought her back to the
9 office?

10 A. Yes.

11 Q. Where were you during this whole
12 time period, were you walking, or were you
13 stationary in the same area outside that
14 office?

15 MR. WHITTON: What time period?

16 Q. When the lady fled out of the
17 office, Daniel and Frankie walked quickly
18 after her. Did you remain in that one area
19 right outside the office, or did you
20 continue walking like after them?

21 A. I was walking after them.

22 Q. How far from the old woman were
23 you when the contact occurred with the
24 shoplifter and the older woman?

25 A. Maybe five feet.

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2 Q. You were able to see the whole
3 thing?

4 A. Yes.

5 Q. There was nothing obstructing
6 your view?

7 A. There was people walking.

8 Q. After the woman was down, did
9 you walk over to the woman?

10 A. Yes.

11 Q. Were there any other Circuit
12 City employee with you when this woman was
13 on the ground?

14 A. Not at that time.

15 Q. Did you have a conversation with
16 the woman that was down?

17 A. Briefly.

18 Q. What was the nature of that
19 conversation?

20 A. I asked her if she was okay.

21 Q. What did she say?

22 A. It was hard to understand her.

23 Q. Did she seems like she was in
24 pain or was there a language barrier, why
25 was it difficult to understand her?

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2 MR. WHITTON: Objection to
3 form. You can answer.

4 A. She didn't speak English very
5 well.

6 Q. Could you describe the old woman
7 for me like how old, if you know?

8 A. I don't know. I don't.

9 Q. White, black, Asian, something
10 else?

11 A. White.

12 Q. To your knowledge, she wasn't
13 speaking English?

14 A. Not that I understand.

15 Q. Or if she did it wasn't clear?

16 A. Correct.

17 Q. To your knowledge, do you know
18 if she was a customer in the store at the
19 time of this incident?

20 A. Yes.

21 Q. After you briefly spoke to her,
22 what happened next; did you help her up,
23 someone else help her up, did she stay down,
24 something else?

25 A. Grabbed another associate and

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2 asked her to stay there with her.

3 Q. Did the associate do so?

4 A. Yes.

5 Q. Did you stay there as well?

6 A. For a few seconds only.

7 Q. Did you ever see how the old
8 woman got up?

9 A. No.

10 Q. Did you, after that initial
11 conversation, did you ever have another
12 conversation with that woman?

13 A. No.

14 Q. Do you know what, if anything,
15 other employees did for that woman after the
16 fall?

17 A. No.

18 Q. I just want to go back to clear
19 something up. Approximately how much
20 distance separated you from the old woman
21 when the contact occurred with the old woman
22 and the shoplifter?

23 A. I was behind Daniel and Frankie.

24 Q. Approximately how far away from
25 the woman would you say?

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2 A. I would say I was probably about
3 four feet behind them when they ran.

4 Q. You were four feet behind Daniel
5 and Frankie?

6 A. Right.

7 Q. How far away were they from the
8 shoplifter when the contact occurred?

9 A. Almost right there, I would say
10 three feet, four feet.

11 Q. Because you were behind Daniel
12 and Frankie, did that obstruct your view of
13 what was happening between the shoplifter
14 and the old woman?

15 A. Not really.

16 Q. At that point when you were four
17 feet behind Daniel and Frankie, how were
18 they walking; quickly, running, something
19 else at that point?

20 A. They were running.

21 Q. At that point?

22 A. Right.

23 Q. At what point did they start
24 running?

25 A. Well, there was a clear path

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2 between one bulk stack and another, there
3 were no customers there.

4 Q. They were walking quickly until
5 there was an area where there was no
6 customer and then they started running?

7 A. Yes.

8 Q. Was that running prior to the
9 contact with the old woman?

10 A. I'm not sure.

11 MR. WHITTON: Off the record.

12 (At this time, there was a
13 discussion held off the record.)

14 MR. WHITTON: Read back the last
15 few questions and answers.

16 (Whereupon, the requested
17 portion was read back by the reporter.)

18 MR. WHITTON: Listen, answer and
19 make sure you understand which party to
20 which party you are being asked the
21 distances on. Take it slow.

22 Q. We are just going to go back to
23 clarify distances. When the contact
24 occurred between the old woman and the
25 shoplifter, who was the closest person to

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2 that; was it Frankie, Daniel, or yourself?

3 A. It wasn't me.

4 Q. Do you know if it was Daniel or
5 Frankie?

6 A. No.

7 Q. Or were they about the same?

8 A. I'm not quite sure.

9 Q. Do you know how far either
10 Daniel or Frankie were from the old woman
11 when the contact occurred between the
12 shoplifter and the old woman?

13 A. Ten to 12 feet.

14 Q. How far behind Daniel and
15 Frankie were you when the contact occurred
16 with the old woman?

17 A. About five, six feet.

18 MR. SEARS: Off the record.

19 (At this time, there was a
20 discussion held off the record.)

21 Q. At that point, when those
22 distances were accurate now, was Daniel and
23 Frankie walking, or running toward the
24 shoplifter?

25 A. They were quickly walking.

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2 Q. At some point did they change
3 from quickly walking to running?

4 A. Not running, no.

5 Q. Were they ever running, because
6 before you indicated running. I just want
7 to make it clear, was it always a quick walk
8 or something else?

9 A. It was a quick pace, quick walk.

10 Q. At any point from when you left
11 the office to apprehend, to get the
12 shoplifter and the contact with the
13 shoplifter, did either Daniel or Frankie
14 start to run?

15 A. I couldn't be sure.

16 Q. We are going to go back. The
17 shoplifter fell over the bulk stand,
18 correct?

19 A. Yes.

20 Q. Then Daniel and Frankie
21 apprehended the young lady?

22 A. Yes.

23 Q. They took her back to Daniel's
24 office?

25 A. Yes.